

REMARKS

The Examiner's action of August 12, 2003 is noted in which the claims are variously rejected under 35 USC §§112, 102 and 103. Applicants have amended Claims 25 and 38 to alleviate the 35 USC §112 second paragraph rejections. Applicants therefore request reconsideration of this ground of rejection.

This leaves the rejection of the claims under Smith alone and in view of a number of other references.

It will be noted that Applicants are claiming a system which involves a two-way communication process in which an initial guided practice results in responses transmitted back to the internet site where they are reviewed and a remediative guided practice is sent back to the individual.

Nowhere is this shown or taught in the Smith reference or indeed in any of the cited references including the Fargano reference.

Because there is no two-way communication, in Smith there is no mechanism provided for further assessment of a learner's progress. Thus there is no remediation tailored to the specific learning needs of an individual.

Since there is no capability for two-way contact between learners and mentors or coaches, Smith offers no capability to change the guided practice activity based on user response identifying a need or challenge.

Note in Smith all learning is loaded into the Smith database and is delivered over time without deviation or correction.

While Smith does in fact provide a sequence of reminders delivered in a predetermined order, this order and learning activity does not change based on activities of the learner.

In Smith there is no monitoring of progress, no remediation for failure or lack of mastery, whereas in the claimed process, mastery is ensured by monitoring progress through assessment, two-way feedback to mentors, and remediation through additional practice targeted precisely to challenge areas. Note that Hall identifies challenges to external performance and engages in mini-lessons and guided practice activities to improve behavior.

Moreover, Applicants claim that the behavioral modification is performance-based.

It will be noted that Smith concentrates on internal behaviors and self-awareness with practice focused on changing internal views, beliefs and personal behaviors. On the other hand, the claimed invention, being performance-based, claims external performance correction.

In short, in Smith there is no interaction between the database and the learner for remediation, no learner control over timing of practice activities and, more importantly, anyone who happens to score the same on the initial assessment would have delivered to him or her the exact same lesson. Applicants, on the other hand, tailor guided practices to each learner, who has a unique experience based on their learning style, speed of mastery, and specific areas of challenge.

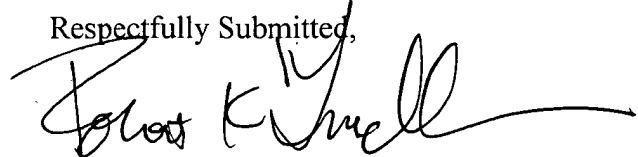
For these reasons, it is clear that Smith does not anticipate the claimed invention.

Note, the additional references in combination with Smith do not add anything to Smith. Brown has a different assessment method, including questionnaires and physical monitor inputs. Casey-Cholakakis et al. is totally different, has no mini-lesson concept, no guided practice and no two-way mentoring. The Tsumori reference is likewise totally different in that there is no mini-lesson concept, no guided practice concept and no two-way mentoring.

As mentioned before, Fargano is intrinsically different, as is discussed in the previous Amendment. He cannot deliver the claimed process; nor can the claimed process deliver his process.

In view of the above Amendment, it is Applicant's contention that the claims are in a condition for allowance. Allowance of the claims and issuance of the case is therefore earnestly solicited.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Robert K. Tendler", with a long horizontal flourish extending to the right.

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